

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOSEPH DaROSA, on behalf of himself and
similarly situated employees,

Plaintiff,

v.

SPEEDWAY LLC,

Defendant.

Civil Action No.: 1:19-CV-10791

DEFENDANT SPEEDWAY LLC'S PARTIAL MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6) Defendant Speedway LLC ("Speedway") submits this memorandum of law in support of its Motion to Dismiss the Massachusetts Fair Wages Act ("Wage Act") claim of Plaintiff Joseph DaRosa's ("DaRosa") Complaint.

WHEREFORE, Speedway requests that this Court grant its partial motion to dismiss.

REQUEST FOR ORAL ARGUMENT

Pursuant to Rule 7.1(d) of the Local Civil Rules of the United States District Court for the District of Massachusetts, Speedway hereby requests a hearing on its Partial Motion to Dismiss. Speedway believes that oral argument will assist the Court in resolving the issues involved in this motion.

SPEEDWAY LLC

By Its Attorneys,

s/Matthew C. Baltay

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Dated: June 21, 2019

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I, Allison L. Anderson, hereby certify pursuant to Local Rule 7.1(a)(2) that on June 19, 2019, I conferred in good faith with opposing counsel in order to resolve or narrow the issues presented in the above.

/s/Allison L. Anderson

Allison L. Anderson

CERTIFICATE OF SERVICE

I, Allison L. Anderson, certify that on this 21st day of June 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to plaintiff by electronically serving his counsel of record.

/s/Allison L. Anderson

Allison L. Anderson